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Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	100-15210 (P05000-D01)
	First Inventor	Waclaw C. Koscielniak
	Title	Photonic Crystals Using a Semiconductor-Based Fabrication Process (as amended)
	Express Mail Label No.	EV342470428US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Commissioner for Patents Mail Stop Patent Application P.O. Box 1450 Alexandria, VA 22313-1450
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 08/05/03  
 10/634179  
 08306 U.S. PTO

1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification <i>Total Pages</i> <span style="border: 1px solid black; padding: 0 5px;">14</span> (preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <i>Total Sheets</i> <span style="border: 1px solid black; padding: 0 5px;">16</span> (6 sheets formal and 10 sheets informal) 5. Oath or Declaration <i>Total Sheets</i> <span style="border: 1px solid black; padding: 0 5px;">2</span> a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copies from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies
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**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
 (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS Citations  
 Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
 (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
 (if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).  
 Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/929,661  
 Prior application information: Examiner Tuyen Q. Tra Group Art Unit: 2873

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	33402		or	<input type="checkbox"/> Correspondence address below
Name	Mark C. Pickering			
Address	P.O. Box 300			
City	Petaluma	State	CA	Zip Code
Country	USA	Telephone	(707) 762-5500	Fax
Name(Print/Type)	Mark C. Pickering	Registration No. (Attorney/Agent)	36,239	
Signature		Date	8-5-03	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

**FEE TRANSMITTAL****For FY 2003***Patent Fees are subject to annual revision.*

Express Mail No. EV342470428US

**TOTAL AMOUNT OF PAYMENT** \$750*Complete if Known*

Application Number	NEW (Divisional of 09/929,661)
Filing Date	August 5, 2003
First Named Inventor	Waclaw C. Koscielniak
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Document No.	100-15210 (P05000-D01)

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge any fees or credit any overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 502305

**LAW OFFICES OF MARK C. PICKERING**☐ Applicant claims small entity status. See 37 CFR 1.27.

2. ☒ **Payment Enclosed:**

☒ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

LARGE ENTITY		SMALL ENTITY		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility	750
1002	330	2002	260	Design	
1003	520	2003	255	Plant	
1004	750	2004	375	Reissue	
1005	160	2005	80	Provisional	
<b>SUBTOTAL (1)</b>					<b>750</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
6-20 **	= 0	x 18	= \$ 0
Independent	1-3	= 2	x 84
Multiple Dep.		*	= \$ 0

**\*\*or number previously paid, if greater; for Reissues, see below:**

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claim in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue ind. claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** \$0**FEE CALCULATION (continued)****3. Additional Fees**

Large Entity		Small Entity		Fee Description
Fee Code	Fee	Fee Code	Fee	
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2520	1812	2520	For filing a request for ex parte reexamination
1804	920	1804	920	Requesting publication of SIR prior to Examiner action
1805	1840	1805	1840	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1450	2254	725	Extension for reply within fourth month
1255	1970	2255	985	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1510	1451	1510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive-unavoidable
1453	1300	2453	650	Petition to revive-unintentional
1501	1300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375	For each additional invention be examined (37 CFR 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** \$0**SUBMITTED BY**

Law Offices of Mark C. Pickering  
P.O. Box 300  
Petaluma, CA 94953-0300  
Telephone: (707) 762-5583  
Facsimile: (707) 762-5504  
Customer No. 33402

Date: 8-5-03  
By: Mark C. Pickering  
Mark C. Pickering, Reg. No. 36,239

Express Mail Number EV342470428US

PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031

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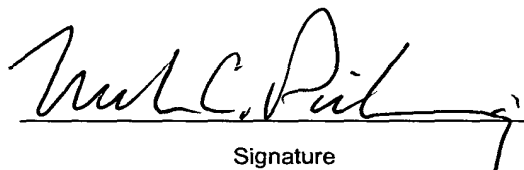
**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Waclaw C. Koscielniak
Title	Photonic Crystals Using a Semiconductor-Based Fabrication Process (as amended)
Atty Docket Number	100-15210 (P05000-D01)

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

8-5-03

Date



Signature

Mark C. Pickering  
Reg. No. 36,239

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.